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OFFICE OF PETITIONS

**UNILEVER PATENT GROUP
800 SYLVAN AVENUE
AG WEST S. WING
ENGLEWOOD CLIFFS NJ 07632-3100**

In re Application of :
Johnson et al. :
Application No. 09/764,734 : PETITION DECISION
Filed: December 21, 2005 :
Attorney Docket No. 088245-3188 :

This is a decision on the Petition for Filing a Corrected Declaration by Other Than All the Inventors, filed June 23, 2010, which is being treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.64. This is also a decision on the Request to Add an Inventor under 37 CFR 1.48(a).

The petition under 37 CFR 1.183 is **GRANTED**.

Petitions under 37 CFR 1.47 are only applicable to the initial execution of an original oath or declaration by a given inventor and are not applicable to the reexecution of another or supplemental oath or declaration by that originally signing inventor. In such circumstances, the USPTO will consider a petition under 37 CFR 1.183 requesting waiver of the requirement of 37 CFR 1.64 that each of the actual inventors execute the supplemental oath or declaration, particularly where assignee consent is given to the requested correction. Absent assignee consent, the petition under 37 CFR 1.183 requesting waiver of the reexecution of the oath or declaration will be evaluated as to whether the nonsigning inventor was actually given the opportunity to reexecute the oath or declaration, or whether the nonsigning inventor could not be reached. In essence, petitioner must show that the inability to again obtain the signature statement from originally signing inventor Paula Ann Johnson is, notwithstanding the exercise of reasonable care and diligence, due to circumstances beyond her control.

Petitioner states that the nonsigning inventor, Paula Ann Johnson, has not responded to multiple attempts to contact her. However, in January 2010, Paula Ann Johnson signed a Statement under 37 CFR 1.324(b)(2) to Correct the Inventorship without returning the Declaration. As such, the petition under 37 CFR 1.183 is **granted**.

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b)).

The request under 37 CFR 1.48(a) is **GRANTED**.

A petition under 37 CFR 1.183 only requires a \$130.00 petition fee. Accordingly, the requisite fee will be deducted from the \$200.00 submitted with the instant petition, with the remaining \$70.00 being credited to petitioner's deposit account as authorized.

Telephone inquiries concerning this matter should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

The matter is being referred to Technology Center AU 1616 for examination on the merits.

/dab/
David Bucci
Petitions Examiner
Office of Petitions



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
09/764,734	01/17/2001	1616	966	J3509(C)	27	1

CONFIRMATION NO. 6621

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OC000000044518166*

Date Mailed: 11/17/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Paula Ann Johnson, Wirral, UNITED KINGDOM;
Andrew Sjaak Landa, Wirral, UNITED KINGDOM;
Stephen Anthony Makin, Wirral, UNITED KINGDOM;
Ian Robert Mcmillan, Wirral, UNITED KINGDOM;
Henry Saul Winchell, Walnut Creek, CA, Deceased;

Power of Attorney:

Matthew Boxer--28495

Domestic Priority data as claimed by applicant

Foreign Applications

UNITED KINGDOM 0001133.8 01/18/2000
UNITED KINGDOM 0001132.0 01/18/2000

If Required, Foreign Filing License Granted: 03/29/2001

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 09/764,734**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Anti-microbial compositions

Preliminary Class

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PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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NOT GRANTED

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